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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/713,127 | 11/14/2003 | Ronald M. Stria | | 9597 |
| 7590 | 04/15/2005 | | EXAMINER | |
| Mr. Walter J. Tencza Jr. Suite 3 10 Station Place Metuchen, NJ 08840 | | | CHAMBERS, TROY | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3641 | |

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------------|---------------------|------|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/713,127 | STRIA, RONALD M. | |
| | Examiner Troy Chambers | Art Unit | 3641 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A.SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02/14/05.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
 4a) Of the above claim(s) 17-20 and 25-28 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-16 and 21-24 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Applicant is advised that should claim1 be found allowable, claims 11 and 21 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim.

See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-16 and 21-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-16 and 21-24 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the structural relationship between the various components such as in claims 1, 9, 11 and 21.

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4. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 23 recites the limitation "the mating plate". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-7, 11-16 and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S 5157222 issued to La Mura et al. La Mura discloses a pyrotechnic device for simulating weapons firing.

8. With respect to claims 1, 11 and 21, La Mura discloses a pyrotechnic device comprising: a magazine having a plurality of receptacles 26, a top plate 118, a bottom plate 104, an electronic housing 94, a plurality of spaced contacts 126.

9. With respect to claim 2, refer to the number of receptacles in Fig. 1a.

10. With respect to claim 3, La Mura discloses magazine guide pins 40 and locking hinge 22'.

11. With respect to claim 4, La Mura discloses a magazine including a plurality of detent pins and contact points as discussed in association with the detent assembly 54. (See fig. 8).

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12. With respect to claim 5, La Mura discloses flanged button contacts 132 and said top plate are housed within walls 98-102 as shown in Fig. 8.

13. With respect to claims 6 and 7, button contacts 132 makes ohmic electrical contact with an electrode 78. (Col. 7, ll. 24-32).

14. With respect to claim 12, La Mura discloses battery 176.

15. With respect to claim 13, refer to col. 2, ll. 39-49.

16. With respect to claim 14, refer to the abstract in which La Mura discloses that the circuit ignites all devices in a given sequence. Because there are at least 15 pyrotechnic devices, there are at least 15 sequences.

17. With respect to claims 15 and 16, applicant has not specified any structural limitations so it must be assumed that La Mura is inherently capable of performing anti-personnel action.

18. With respect to claim 22, refer to Fig. 4.

19. With respect to claim 23, La Mura discloses a stack 180 of PCBs 180' for holding the circuit of the operating system. A hermetic seal exists as per col. 7, ll. 41-43.

20. With respect to claim 24, refer to col. 2, ll. 65-67.

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over La Mura in view of established case law. La Mura discloses a conductive plug as discussed above. However, La Mura does not disclose a stainless steel plug. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a stainless steel plug since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious choice. *In re Leshin*, 125 USPQ 416.

23. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over La Mura in view of US 1370193 issued to Crocker and in further view of established case law.

24. La Mura discloses a pyrotechnic device as discussed above. However, La Mura does not disclose a switching device as claimed by the applicant. Crocker discloses such a device. Specifically, Crocker discloses a switch having a bushing 20, a sleeve 21, a washer 27, and a spring 23, 38. At the time of the invention, one having ordinary skill in the art would have found it obvious to provide the device of La Mura with the switching apparatus of Crocker. The suggestion/motivation for doing so would have been to automatically control a device and actuate it by pressure.

25. La Mura and Crocker disclose a pyrotechnic device as described above. However, neither reference discloses the materials of the various elements as claimed by the applicant. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a stainless steel plug since it has been held to be within the general skill of a worker in the art to select a known material on the

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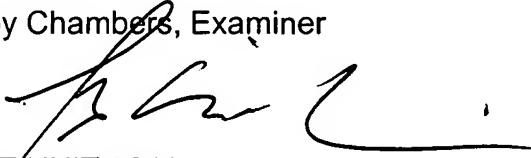
basis of its suitability for the intended use as a matter of obvious choice. *In re Leshin*, 125 USPQ 416.

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited on form PTO-892 are cited as of interest to show similar pyrotechnic devices.
27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Chambers whose telephone number is (703) 308-5870. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone, can be reached at (703) 306-4198.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Troy Chambers, Examiner


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